

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Juan and Frida Hernandez,
individually and on behalf of all
similarly situated persons,

PLAINTIFFS,

V.

CME CONSULTING LLC AND
OM SHEE SHIVSHAKTI
HOSPITALITY USA, LLC
collectively d/b/a COMFORT
SUITES OF MILLEDGEVILLE,
and individual defendants Chirag
Thakkar and Manoj Patel.

DEFENDANTS.

Civil Action No.:
1:22-cv-03128-AT

PLAINTIFF’S MOTION FOR CLERK’S ENTRY OF DEFAULT

To: Clerk of U. S. District Court
Northern District of Georgia
Atlanta Division

COMES NOW J. Stephen Mixon, Esq., as counsel for Plaintiff and hereby requests that the Clerk for the United States District Court for the Northern District of Georgia enter default in this matter pursuant to Federal Rule of Civil Procedure (“FRCP”) Rule 55(a) against all the Defendants above sited on the ground that each defendant has failed to appear or otherwise respond to Plaintiffs’ Complaint within

the time prescribed Federal Rule of Civil Procedure Rule 12(a). Plaintiffs respectfully show this Court as follows:

1. This case was commenced on August 8, 2022, by the filing of the Complaint. [Dkt. No. 1].
2. Pursuant to Fed Rule Civ. P. Rule 4 Plaintiff mailed each defendant a copy of the complaint via certified mail and asked them to waive service, however, none of the Defendants agreed to waive service.
3. As a result of refusing to waive service, Defendant CME Consulting, LLC was served by process server on September 25, 2022. A copy of the Affidavit of Service was filed with the Court. [Dkt. No. 8].
4. As a result of refusing to waive service, Defendant OM SHEE SHIVSHAKTI HOSPITALITY USA, LLC was served by process server on September 22, 2022. A copy of the Affidavit of Service was filed with the Court. [Dkt. No. 10].
5. As a result of refusing to waive service, individual defendant Chirag Thakkar was served by process server on September 23, 2022. A copy of the Affidavit of Service was filed with the Court. [Dkt. No. 7].
6. As a result of refusing to waive service, individual Defendant Manoj Patel was served by process server on September 22, 2022. A copy of the Affidavit of Service was filed with the Court. [Dkt. No. 9].

7. Defendant has not responded, either through an answer or motion, to Plaintiff's Complaint. (See Mixon Affidavit attached hereto and incorporated herein)

8. Being a corporation, Defendant is neither a minor nor an incompetent person.

For the foregoing reasons, Plaintiffs respectfully requests that the Clerk make an entry of default regarding Defendant.

Respectfully submitted this 15th day of November, 2022.

s/ J. Stephen Mixon

J. Stephen Mixon
Georgia Bar No. 514050.
Attorney for Plaintiff

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